

be disqualified from unemployment insurance. The drug testing laws themselves are so unclear and allow for discrimination, that I have a problem with those. Here without tests, without proof of anything other than some employer stating that an act by the employee has affected the employment relationship, that employee can be disqualified from unemployment benefits. We are, with the adoption of this amendment, we are adding more to the arsenal of the employer to disqualify employees in a state that leads the country in disqualifications. By adopting this very unclear language we are not providing a clear connection between on the job violations and disqualifications. I think it is wrong and I think that we have to look at this very clearly. Do we want to adopt this type of ambiguous language to allow further disqualifications for our employees? This goes beyond the question, your problem with drugs and alcohol and how we want to get tough and really slap these people around to make them straighten out. This is very unclear language and I don't believe it provides proper connections that federal law requires. It just allows for more arbitrary discrimination on the part of an employer and I think it will bring more lawsuits and more problems to this state than it will solve. Thank you.

SPEAKER BARRETT: Thank you. Senator Chizek.

SENATOR CHIZEK: Well, I still have a little difficulty as to which fund that is coming from because it's...either of them are funds that the employer has. One is a penalty interest fund, one is a contribution rate. There are credits given federally and so on and it is on an experience ratio, you know, and I'm being consistent, Senator. I opposed using those monies last year, the million dollars, and I am consistent again this year. If I was contributing to the fund and there was some penalty interest, I would object vehemently for those monies being used for this purpose. How can you say that someone who is hospitalized can draw unemployment insurance, but an electrician that gets laid off in a bona fide layoff here, goes to the State of Kansas, works for ten weeks there, his employer that he's been with 20 years wants him to come back to work, he quits Kansas, comes back here and he gets disqualified. To me, that is not being very consistent. He is ready to work, he has been laid off. Here is somebody that is receiving medical treatment who is not available for work and you want to pay him. There are other programs, not this one.

SPEAKER BARRETT: Senator Nelson.